

Before the Board of Zoning Adjustment, D.C.

PUBLIC HEARING -- March 22, 1967

Appeal No. 9134 S. Tebbs Chichester, Jr., appellant.

The Zoning Administrator of the District of Columbia, appellee.

On motion duly made, seconded and unanimously carried, the following Order was entered at the meeting of the Board on March 28, 1967.

ORDERED:

That the appeal for variance from the FAR requirements of the R-5-B District to permit addition of third floor to building at 2529/2529A P Street, NW., lot 803, Square 1264, be denied.

FINDINGS OF FACT:

- (1) The subject property is located in an R-5-B District.
- (2) The property is improved with a two-story brick structure with a store window on the first floor.
- (3) It is proposed to add a third story to subject building which would be used as an apartment.
- (4) The present lot has a 26-foot frontage on P Street and a depth of 58.27 feet and contains 1,515.02 square feet.
- (5) The R-5-B District provides that structures may be developed to an FAR of 1.8.
- (6) The appellant states that the permissible FAR is 2,727.04 under R-5-B and it is desired to increase this to 3,111.84 square feet. This request is made "in order not only to take advantage of allowable expansion, but at the same time provide an apartment that would be exceedingly livable appropriate to Georgetown as well as one that may take advantage of the beautiful view across Rose Park, Rock Creek Park and the skyline of downtown Washington including the Washington Monument."
- (7) The record contains several letters in support of granting this appeal. The Citizens Association of Georgetown opposes the granting of this appeal.

(8) The Association points out that in BZA Appeal No. 7016 a change of nonconforming use was granted which permitted the change from a dress shop and dress design studio to an office for an interior design consultant without any sales of merchandise incidental to the use. The interior design use continues.

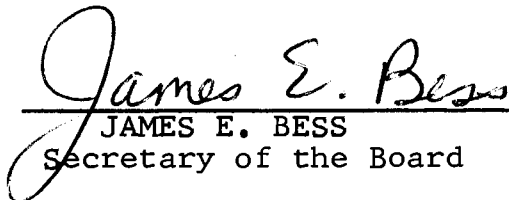
OPINION:

We are of the opinion that this appeal must be denied. There is no showing of hardship relating to the property itself that would support a variance from the zoning regulations. Section 8207.11 provides; "Where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of the original adoption of the regulations or by reason of exceptional topographical conditions or other extraordinary or exceptional situation or condition of a specific piece of property, the strict application of any regulation adopted under this Act would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of such property, to authorize, upon an appeal relating to such property, a variance from such strict application so as to relieve such difficulties or hardship, provided such relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the zoning regulations and map." Appellant makes no argument related to the standards of the Regulations.

Further, we find that the subject property has been and is devoted to a nonconforming use. This would restrict the development of the property. Although the proposed expansion of the property would be devoted to a proper R-5-B use, we do not think it wise to expand structures devoted to nonconforming uses without the benefit of most compelling evidence.

BY ORDER OF THE BOARD OF ZONING ADJUSTMENT, D.C.

ATTESTED:

By: 
JAMES E. BESS
Secretary of the Board